



March 13, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: ***Cooperative Federalism & Meeting Request***

Dear Administrator Pruitt,

Congratulations on your confirmation as Administrator of the Environmental Protection Agency (EPA). As co-regulators with the federal government, the National Association of State Departments of Agriculture (NASDA) applauds your commitment to Cooperative Federalism, and NASDA stands ready to work with EPA to fulfill the spirit and intent of this charge.

NASDA represents the Commissioners, Secretaries, and Directors of the state departments of agriculture in all fifty states and four U.S. territories. State departments of agriculture are responsible for a wide range of programs including food safety, conservation, environmental protection, water quality, and fostering the economic vitality of our rural communities. In forty-three states and Puerto Rico, the state department of agriculture is a co-regulator with EPA and responsible for administering and enforcing the labeling, distribution, sale, use and disposal of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

NASDA was particularly encouraged by your comments during your confirmation hearing reaffirming the role of states and touting Cooperative Federalism—a robust partnership and role for states in federal policy-making. This is a top priority for NASDA, and we are eager to work with you and your team on enhancing the states' role in the regulatory, enforcement, and other programmatic responsibilities of the Agency. We are especially interested in exploring new ways the state departments of agriculture can partner with EPA.

In furthering this partnership, NASDA encourages EPA to consult early and often with the state departments of agriculture, and NASDA urges EPA to promptly fill and empower the position of the Counselor to the Administrator for Agricultural Policy as an advocate for and liaison to the agriculture community. NASDA also recognizes the importance of the Regional Administrators and their ability to directly interact with state officials and stakeholders to solicit their regional input on proposed policy or regulatory initiatives. These positions are excellent opportunities to increase partnerships and cooperation between EPA and the states, and NASDA encourages EPA to consult with NASDA members in the selection of these officials.

NASDA has identified two program areas that would benefit from immediate and robust cooperative federalism engagement with the state departments of agriculture. The first is the review of the Water of the United States (WOTUS) rule, and the second relates to EPA's Office of Pesticide Programs (OPP) activities.

NASDA commends EPA's decision to review the WOTUS rule, which was developed through a flawed process void of state and stakeholder involvement. We hope EPA will undertake a robust and meaningful consultation process with states and state agency associations, as well as a stakeholder engagement process with the regulated community, during the WOTUS rule review. We stand ready to work with you on this issue of vital importance to agriculture.

Second, NASDA also requests EPA consult with the state departments of agriculture in the review, improvement, and implementation of the Ag Worker Protection Standard rule; the Certification & Training of Pesticide Applicators rule; and the State Managed Pollinator Protection Plans (MP3s). NASDA values our partnership with EPA -OPP, and NASDA welcomes the opportunity to strengthen this partnership through early and frequent consultation with OPP activities before any formal rulemaking is initiated.

As regulatory partners with EPA, NASDA stands ready to assist EPA through our Cooperative Federalism responsibilities to review and improve WOTUS, FIFRA regulatory processes and other issues where state partnerships will enhance the rulemaking process and the regulatory outcomes. **To build on this partnership, we would like to convene a meeting with you and several NASDA board members and committee leaders on the morning of April 11 or the afternoon of April 12.** Please let us know of your interest and availability to meet with us on these dates or times.

NASDA commends the emphasis you are placing on the importance of state and federal partnerships, and we look forward to working with you in fulfilling the spirit and intent of Cooperative Federalism (attached for your reference is a NASDA one-page summary on our Cooperative Federalism initiative). Please contact Nathan Bowen (nathan@nasda.org) if you have any questions or would like any additional information.

Sincerely,



Barbara P. Glenn, Ph.D.
Chief Executive Officer

Enclosure: NASDA Cooperative Federalism